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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,738	09/08/2006	Ki-Tae Lee	2037-03	9695
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EXAMINER				
WONG, STEVEN B				
ART UNIT		PAPER NUMBER		
3711				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,738

Applicant(s)

LEE, KI-TAE

Examiner

Steven Wong

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS)
- Paper No(s)/Mail Date 9-8-2006

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 3, 7 and 8 are objected to because of the following informalities: in claim 3, the language "the end surface", "the connector" and "the support" lack proper antecedent basis. It appears that claim 3 should depend from claim 2.

In claim 7, the language "formed at a right angle thereon" is unclear because it is unclear what structure is at a right angle to the insertion groove.

In claim 8, the language "its" (line 2) is unclear in positively defining the structure. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (3,576,936). Fischer discloses a toy block comprising a main body (1) upwardly open, a cap (6) downwardly open and coupled to the main body, a connecting groove (2) formed at a center of a side surface of the main body and cap and a connecting peg (4) and connecting hole (3) formed on either end of a side surface. The groove, peg and hole are for connecting other solid puzzle blocks thereto. It is noted that the language "perpendicularly connected thereto" relates to the intended use of the connecting groove. The groove (2) of Fischer is inherently capable of permitting another block to be perpendicularly connected thereto such as wherein the other block is only partially inserted into the groove whereupon the faces would be perpendicularly oriented or wherein the other block comprises an alternative shape such that its face would be oriented perpendicularly to the block of Fischer.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (3,576,936) in view of Hsun (5,333,869). Fischer provides an operating unit (10) that emits a sound (column 2, lines 21-50) and a connector (13, 14) connected by a wire (11, 12) to the operating unit. Fischer also provides a main body (1) and a cap (6) that are connected together (column 4, lines 60-63), however, Fischer does not specifically define the structure which permits their attachment.

Hsun reveals that it is well known in the art of puzzles and toys to connect members together using a plurality of supports (29) having a tab hole, a screw hole (28) formed in a cap and a plurality of screws (27) for fastening the members together. Note Figure 2 and column 1, lines 50 through column 2, line 1. It would have been obvious to one of ordinary skill in the art to provide the blocks of Fischer with posts and screws as taught by Hsun in order to releasably connect the cap and main body together.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (3,576,936) in view of Sturtevant et al. (6,509,084). Sturtevant discloses that it is well known in the art of plastic products and particularly toys to provide the toy with embossing in order to increase the child's grip on the toy. Note column 1, lines 54-57 and column 12, lines 43-49. It would have been obvious to one of ordinary skill in the art to emboss the toy of Fischer with a rough surface texture in order to increase the user's ability to grip the blocks.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (3,576,936) in view of Teng Ching (4,423,465). Note Figure 5 of Fischer showing an additional member (17) that may be used for connecting adjoining grooves of the blocks. However, Fischer lacks the teaching for forming the grooves as T-shaped.

Teng Ching discloses a toy block having a T-connection groove (111) formed at a center for electrically connecting the blocks together. It would have been obvious to one of ordinary skill in the art to form the grooves of Fischer in the shape taught by Teng Ching in order to provide an alternative groove that interlocks the blocks together. By forming the groove of Fischer in the shape taught by Teng Ching, the blocks of Figure 5 of Fischer would obviously need to be formed as an I-connection block.

9. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bril (4,458,441). Regarding claim 1, Bril discloses a solid block (Figure 2d) comprising a connecting groove (20) formed at a center of a side surface and connecting holes (U2-U5) formed on either side of the connecting groove. Bril also includes pins R that are received by the holes. By providing a pin within a hole (U), Bril creates a block with a connecting peg and a connecting hole respectively formed on either end of the side surface. The groove is inherently capable of receiving another block perpendicularly connected thereto. However, Bril lacks the teaching for forming the block as a main body and a cap with open areas. The examiner takes Official Notice that it is well known in the art of building blocks to form the blocks as hollow members and from a plurality of components. It would have been obvious to one of ordinary skill in the art to form the block of Bril as a hollow member in order to reduce manufacturing costs by reducing the amount of required material. Further, it would have been obvious to one of ordinary skill in the art to form the block of Bril with a cap and main body coupled together in order to facilitate assembly of the hollow block.

Regarding claim 6, note Figure 2d of Bril showing a pin hole (U1) formed in the groove (20). A pin R placed in the hole would obviously act as a fixing pin for connecting two solid blocks together.

10. Claims 1, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kichijyo (5,482,491). Regarding claim 1, Kichijyo discloses a puzzle block (1) comprising a connecting groove (4) formed at a center of a side surface and a plurality of connecting holes formed on either end of a side surface. Note Figure 9 showing a joint block (2) having a connecting peg (7). It would have been obvious to one of ordinary skill in the art to eliminate the

joint block (2) and instead replace a groove (4) with a connecting peg (7) in order to simplify the blocks by reducing the number of required pieces. Further, the examiner takes Official Notice that it is well known in the art of building blocks to form the blocks as hollow members and from a plurality of components. It would have been obvious to one of ordinary skill in the art to form the block of Kichijyo as a hollow member in order to reduce manufacturing costs by reducing the amount of required material. Further, it would have been obvious to one of ordinary skill in the art to form the block of Kichijyo with a cap and main body coupled together in order to facilitate assembly of the hollow block.

Regarding claim 7, note Figure 9 of Kichijyo showing a connecting groove (4) having an insertion guide (5) extending horizontally along the lengths of the left and right surfaces thereof. Further, the top of the insertion guide (5) and the upper and lower surfaces of the block define an insertion groove that runs parallel to the insertion guide.

Regarding claim 8, note Figure 9 showing the connecting groove defining an opening from the top to the bottom of the block. Further, the connecting groove provides a slide groove defined between the upper and lower surfaces and the shoulders (5).

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kichijyo (5,482,491) in view of Sturtevant et al. (6,509,084). Sturtevant discloses that it is well known in the art of plastic products and particularly toys to provide the toy with embossing in order to increase the child's grip on the toy. Note column 1, lines 54-57 and column 12, lines 43-49. It would have been obvious to one of ordinary skill in the art to emboss the blocks of Kichijyo with a rough surface texture in order to increase the user's ability to grip the blocks.

Allowable Subject Matter

12. Claim 3 appears to read over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven Wong/
Primary Examiner, Art Unit 3711

SBW
May 16, 2008